



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

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June 13th, 2001

Minutes of the June 13th, 2001, meeting of the Commission on Governmental Ethics and Election Practices held in the Commission Hearing Room, 242 State Street, Augusta, Maine.

Present: Chairman: Peter B. Webster; Members: Hon. Michael Carpenter, Hon. Virginia Constantine, Dr. Linda Cronkhite, and Hon. Harriet P. Henry; Executive Director William C. Hain, III; Counsel Phyllis Gardiner, Esq.; and Commission Assistants Diana True and Judy Parker.

Chair Webster called the meeting to order at 9:00 a.m.

Mr. Hain introduced to the Commission the newly employed Commission Assistant, Ms. Judy Parker, who has replaced Diana True, the Commission's new Candidate Registrar.

The Commission considered items on the published agenda as follows:

Agenda Item #3B: Evangeline Hollander; Lobbyist for Youth Alternatives, Inc., Late Lobbyist Disclosure Monthly Report

Mr. Hain briefed Commission Members regarding the late submission of Ms. Hollander's April monthly lobbyist disclosure report, noting one (1) previous late filing this biennium. Ms. Hollander appeared before the Commission and explained the reason for the late submission of the report. Following questions and discussion, Judge Henry moved, Dr. Cronkhite seconded, and Members voted unanimously to assess a \$100.00 penalty.

Agenda Item #1: Ratification of May Minutes

Ms. Constantine moved, Judge Henry seconded, and Members voted unanimously to ratify the minutes of the May 9th, 2001 meeting as submitted.

Agenda Item #3A: Kellie P. Miller, Lobbyist for Maine Osteopathic Association, Late Lobbyist Disclosure Monthly Report

Mr. Hain briefed Commission Members regarding the late submission of Ms. Miller's April monthly lobbyist disclosure report, noting two (2) previous late filings this biennium. Ms. Miller

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was unable to appear before the Commission. Following discussion, Ms. Constantine moved, Dr. Cronkhite seconded, and Members voted unanimously to assess a \$100.00 penalty.

Agenda Item #4: Honorable Zachary Matthews

Mr. Hain presented Representative Matthews' request to establish a payment schedule for his \$2,000 penalty by making 25 monthly payments of \$80.00 per month beginning June 30th, 2001 with a final payment on June 30th, 2003. Judge Henry moved, Ms. Constantine seconded, and Members voted unanimously to approve the schedule as requested.

Agenda Item #5: Ralph I. Coffman, Treasurer, Independent Party of Maine

Mr. Hain requested that Mr. Coffman's failure to file an April Quarterly PAC Report be referred to the Attorney General's office for appropriate action. Ms. Constantine moved, Judge Henry seconded, and Members voted unanimously to refer Mr. Coffman's failure to file a quarterly report to the Attorney General's office for appropriate action.

Agenda Item #10: Other; Liquidation of MCEA Property

Mr. Hain requested direction from the Commission regarding how to handle Maine Clean Election Act candidates who have not yet liquidated property purchased with public funds and refunded the fund as required. The Commission directed Mr. Hain to communicate again with those candidates, acknowledge that they may have been busy with the legislative session, and remind them again about the liquidation and refund requirements.

Agenda Item #6: Legislative Status Update

Mr. Hain briefed Members regarding the status of pending legislation affecting the Commission.

Agenda Items #2A and #2B: Complaints filed by Mr. Edward J. Democracy Against Concerned Citizens for a Balanced Approach to Portland's Future and Citizens Protecting Portland's Future

Mr. Hain briefed Members regarding the two complaints that alleged a failure to register as a political action committee and file required reports and failure to file an accurate report by the two groups that engaged in express advocacy regarding Portland's May referendum question. Mr. Hain reviewed the extensive correspondence from Attorney Ronald Ward on behalf of the group, explaining that, what appeared to be two different groups, actually was only one group that changed names after its initial advertisement and failed to register as a political action committee originally under the first name and then amend that name when the name changed. Ms. Betsy Sawyer-Manter and Mr. Daryn Demeritt appeared on behalf of group and responded to Commission Members' questions.

Following extensive discussion of the issues, Mr. Carpenter moved to assess a \$353.47 late reporting penalty. Judge Henry offered a "friendly" amendment to assess a \$250 late registration



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penalty, reduced by one-half. Mr. Carpenter stated that he would oppose the one-half reduction of that penalty. Thereafter, Judge Henry moved, Mr. Carpenter seconded, and Members voted unanimously that, upon amendment of the two organizations' registrations to reflect the change of name from one PAC to the other, that a \$250.00 penalty be assessed for the late registration of the "Concerned Citizens'" PAC. Since the obligation and expenditure for the original advertisement had been reported properly on the PAC's report, under its amended name, Members concluded that no penalty was required.

Agenda Item #7: Executive Session

At 10:15, Judge Henry moved, Mr. Carpenter seconded, and Member voted unanimously to go into executive session to consider the matter of a complaint filed against a Legislator, the identity of whom is required to remain confidential in accordance with 1 M.R.S.A. §1013(3) pending a determination that a hearing is to be ordered.

At 11:45 the Commission returned to open session. Judge Henry moved, Dr. Cronkhite seconded, and Members voted unanimously that no further investigation of the matter was warranted. Mr. Carpenter requested that the motion reflect that the Commission had thoroughly reviewed the complaint, heard a full and detailed response from the subject Legislator, and found insufficient bases to warrant any further inquiry into the matter based upon the information that had been presented to the Commission.

Agenda Item #2C: Mr. Edward J. Democracy's Complaint Against Campaign for a Comprehensive Plan PAC

Mr. Hain briefly reviewed the facts involved in this matter, following which Mr. Carpenter moved, Dr. Cronkhite seconded, and Members voted unanimously to dismiss the matter.

Agenda Item #6: Legislative Status Update

Chair Webster briefed the Commission on LD1809, about which the Committee on Legal and Veterans' Affairs had conducted work session meetings on June 8th and 11th, 2001, without prior notice to the Commission before late afternoon of June 7th, 2001. Chair Webster and Mr. Hain had attended the June 8th meeting, while Chair Webster, Judge Henry, and Mr. Hain had attended the June 11th meeting.

Agenda Item #8: Status of Commission Investigations

At 1:05 p.m. the Commission went into Executive Session to receive a briefing from Commission Counsel regarding the status of investigations requested by Commission staff of campaign reporting practices of candidates during the 2000 elections. At 1:07 p.m. the Commission returned to regular session. No action was taken that required ratification in open session.



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There being no further business, on motion and unanimous vote, the Commission adjourned at 1:08 p.m.

Respectfully submitted,

William C. Hain, III
Director